

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CLIFFORD STEVENS and	:	
CYNTHIA L. STEVENS,	:	
	:	NO: 1:00-CV-00901
Plaintiffs,	:	
	:	
v.	:	ORDER
	:	
DAVIDSON LADDERS, INC.,	:	
et. al.,	:	
	:	
Defendants.	:	

This matter is before the Court on Defendants' Motion to extend Expert Disclosure deadline (doc. 37), Plaintiffs' Response (doc. 39), and Defendants' Reply (doc. 40).

This is a products liability case in which Plaintiffs allege that one or more of the Defendants negligently designed or manufactured a ladder, which allegedly caused Clifford Stevens' fall and injury in October 1998 (doc. 1). Trial is currently scheduled to begin on December 9, 2003 (doc. 35).

Defendants request an extension of time until October 10, 2003, in order to allow their experts to examine and test the ladder and rung lock mechanism, and the materials relied on by Plaintiffs' expert, before they can prepare their Fed. R. Civ. P. 26(a)(2) report (doc. 37). Plaintiffs oppose Defendants' request, protesting that there have been a large number of delays in the case (doc. 39). Defendants reply that the delays have been caused in great part due to the bankruptcy of former Defendant Builder's

Square (doc. 40). Defendants state that Plaintiffs have agreed to allow them exclusive possession of the ladder for testing, and that they can complete all testing and reports by October 10, 2003 (doc. 40).

Having reviewed this matter, the Court finds Defendants' Motion well-taken. The Court finds that much of the delay in this case has been caused by the bankruptcy of former Defendant Builders Square. The Court sympathizes with Plaintiffs, whose injury that gave rise to this case took place some five years ago. However, the Plaintiffs are not prejudiced by this brief extension of the expert disclosure deadline, as the final pretrial conference and trial dates remain unchanged.

Accordingly, the Court GRANTS Defendants' Motion for Extension of Expert Disclosure Deadline (doc. 37), and ORDERS Defendants to provide Plaintiffs with all discovery requested including, but not limited to, any expert reports by November 1, 2003. If such discovery is not provided to Plaintiffs by November 1, 2003, sanctions will be Ordered by the Court. As a final matter, the Court VACATES its September 11, 2003 Order setting a settlement conference for November 19, 2003 (doc. 38). The Court RESETS the settlement conference to take place concurrently with the Final Pretrial Conference, at 9:00 A.M. on November 13, 2003.

The four-day jury trial is set to commence on December 9, 2003.

SO ORDERED.

Dated: 10/7/03

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge